IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6221 of 1994

For Approval and Signature:

Hon'ble MISS JUSTICE R.M. DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MAGANBHAI B. AHIR (PATEL)

Versus

STATE OF GUJARAT

Appearance:

MR NAVIN PAHWA for Mr.PM THAKKAR for Petitioner No. 1

MR SP SEN AGP for Respondent No. 1

MR PUROHIT for Mr. PG DESAI for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 16/08/2001

ORAL JUDGEMENT

Heard the learned advocates.

The petitioners are the purchasers and occupants of the sub-plots nos. 256 & 284 of Final Plot No. 74 of

the original plot no. 24, Survey No. 34 of village-Karanj covered under the Town Planning Scheme No.3-Karanj. The petitioners challenge the said Town Planning Scheme No. 3-Karanj in so far as the part of the original plot no. 24 is reconstituted as part of the original plot no. 75 and is reserved for local commercial centre. The challenge to the said reservation of final plot no. 75 for local commercial centre made by the owners of the above referred original plot no. 24 [survey no. 34] in Special Civil Application No. 3347 of 1994 has been rejected by this Court [i.e., myself] on 13th July, 2001.

In addition to the contentions raised in the said Special Civil Application NO. 3347 of 1994, Mr. Pahwa has submitted that the notice, as envisaged under Rule 26 (3) of the Gujarat Town Planning & Urban Development Rules, 1979 has not been published in the manner prescribed under the said sub-rule. In answer to the said contention, Mr. Purohit has relied upon the Government Gazette dated 1st March, 1984. On perusal of the said notice, I find that the notice has been given in consonance with Form H prescribed under the said rules. The contention, therefore, deserves to be rejected.

For the aforesaid reason and for the reasons recorded in the above referred judgment and order dated 13th July, 2001 passed in Special Civil Application No. 3347 of 1994, this petition is dismissed. Rule is discharged. Interim relief; if operative, is vacated.

[Ms. R.M Doshit, J.]

Prakash*